

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANDREW MILLER

Plaintiff,

v.

CIV 02-1143 KBM/LAM


STATE OF NEW MEXICO, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This matter is before the court on Defendants' motion for summary judgment for failure to exhaust prison administrative remedies, *Doc. 21*, to which Plaintiff did not respond, *see Doc. 22*, and Defendant's recently-filed motion to dismiss for Plaintiff's failure to attend his deposition, *Doc. 25*. The record is clear that although Plaintiff is represented by counsel, Plaintiff has abandoned this case because he has been a fugitive from justice and has not been in contact with his attorney.

For the reasons stated in Defendants' motions and under this court's inherent power to dismiss an action for want of prosecution, *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962), I hereby **GRANT** the motions (*Docs. 21, 25*) and dismiss this action **WITHOUT PREJUDICE** under separate order.

  
UNITED STATES MAGISTRATE JUDGE  
Presiding by consent.